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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,305	01/05/2005	Detlef Mattinger	3156	5070

7590 06/16/2006  
Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER
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LU, JIPING

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/520,305	MATTINGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jiping Lu	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 3/23/2006. These drawings are not acceptable because they are informal. The changes in the drawings are approved.

### ***Specification***

2. The amendment filed 3/23/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: (1) the abstract contains new matter. The original abstract is directed to a hair dryer with central hot air stream 5 and concentric cold air stream 6. An air nozzle attachment 8 is embodied to be connectable to the blower opening 7 in a kind such that the air nozzle attachment 8 generates a hot-air stream 9 and a cold-air stream 10 that are located side by side. The newly amended abstract is directed to a hair dryer with two detachable air nozzles. The first detachable nozzle has hot and cold air streams. The second detachable nozzle has a single hot air stream 9. The abstract inferentially suggested that there are two interchangeable nozzles. This is not supported by the original specification. The original specification, at best, disclosed two embodiments, e.g. two separate nozzles. One nozzle has two air streams (hot and cold). The other nozzle has only one hot air stream. There was no interchangeability suggested or claimed in the original specification and claims. (2) The newly added 8 paragraphs between lines 25 and 27 of page 1 contain numerous new matters. The

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following is an exemplary list of new matters: (i) air nozzle attachment is rotatable when **attached over** the blower opening; (ii) the means for releasable attachment can be releasable snap-on **coupling that permits rotation of the air nozzle attachment**; (iii) hot and cold air nozzle have a **different appearances**; (iv) **means** for blocking a cold air flow when the second detachable air nozzle attachment is attached over the blower opening; (v) the nozzle attachment for producing the cold air stream and hot air stream **or this other detachable air nozzle attachment are selected for attachment over the blower opening in operation according to choice by a user of the hair dryer**; (vi) the entire new description of Fig. 7. In order to overcome this objection, the applicant is required to show support from the original specification and claims 1-12. A marked up side by side comparison of the original specification and/or claims with the newly added contents and claims is required.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

3. Claims 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 21 contains new matter which is not supported by the original specification. Nowhere in the original disclosure described anything about substantially coterminous. With regard to claim 22, the newly added “means for providing **only** a single stream of hot air, said means for providing the single stream of hot air comprising another detachable air nozzle

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attachment through which the single stream of hot air passes and means for blocking a cold air flow when said another detachable air nozzle attachment is attached over the blower opening; whereby said detachable air nozzle attachment **or** said another detachable air nozzle attachment is attached over the blower opening in operation according to choice by a user of the hair dryer” is new matter. Nowhere in the original specification, claims and drawings disclosed or even remotely suggested the present claimed interchangeability of detachable air nozzle and another detachable air nozzle. Claim 23 is also new matter. The newly added and claimed “a first detachable air nozzle attachment that is attachable over the blower opening , said first detachable air nozzle attachment comprising a flat hot air nozzle and cold air nozzle side by side, said means for releasable attachment permitting rotation of the first detachable air nozzle attachment when said first detachable air nozzle attachment is attached over the blower opening and a second detachable air nozzle attachment through which the single stream of hot air passes and comprising means for blocking a cold air flow from the second detachable air nozzle attachment when said second detachable air nozzle attachment is attached over the blower opening; whereby **either** the first or the second detachable air nozzle attachment is attached over the blower opening in operation according to choice by a user of the hair dryer” is new matter. Nowhere in the original specification, claims and drawings disclosed or even remotely suggest the present claimed interchangeability of first or second detachable air nozzle attachments. There is no description for the claimed means for “blocking cold air flow” in the originally filed specification. The term “operation according to choice by a user of the hair dryer” is also not found in the original specification, claims and drawings. In order to overcome this rejection, the applicant is required to show support from the original specification, drawings and original

claims 1-12 with a mark up explanation and comparison side by side with the newly added claims 17, 19-23.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teranishi (French Patent 1,387,334) in view of Maurer (U.S. Pat. 3,374,789).

Teranishi shows a device (Fig. 1) for a hair dryer 1 and having a fan 2 and a heater 13 for generating a central hot-air stream (at 3) and having a concentric cold-air stream 5-7 at a blower opening (at 4). The hot-air nozzle (at 4) has a smaller blower cross section than the blower cross section (at 4) of the cold-air nozzle (at 5, 7). However, Teranishi does not show a detachable air nozzle attachment with flat hot and cold air streams at side by side. Maurer shows a detachable

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air nozzle attachment 23-30 with two flat fluid streams 20, 25 side by side (approximately equal blower cross section). The attachment converts two concentric fluid streams into side by side flat fluid streams same as the applicant's. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the hair dryer of Teranishi at its blower opening (at 4) with a detachable flat air nozzle attachment 23-30 of Maurer in order to modify the flow patterns. With regard to claimed shapes, length, cross section, color and material, it would have been an obvious matter of design choice to design the nozzle of Teranishi with any desired shape, cross section, length, color and material in order to obtain the optimum result since applicant has not disclosed that the claimed nozzle shape, cross section, length, color and material solve any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill in the art and it appears that the claimed feature does not distinguish the invention over similar features in the prior art. In particular, the use of universal identifying colors for safety is well known in the art. For example, in heating art, the color blue stands for low temperature. The color red represents high temperature. Today's almost all hair dryers are made of heat-resistant plastic. With regard to the nozzle attachment, again, most hair dryers at home do have snap on connectors for easy assembly. With regard to claims 22 and 23, since the claim merely call for an alternative nozzle attachment, e.g. flat nozzles or block cold air nozzle, then, the examiner does not have to show any attachment with "block cold air" nozzle.

7. Claims 13-23 are rejected under 35 U.S.C. 103 as unpatentable over Guenin (EP 0970633) in view of Maurer (U.S. Pat. 3,374,789).

Guenin shows a device (Fig. 1) for a hair dryer 1 and having a fan 5 and a heater 12 for generating a central hot-air stream 29 and having a concentric cold-air stream 2 at a blower opening 23. An air nozzle attachment 23 is embodied as connectable to the blower opening (at 27). The hot-air nozzle (at 29) has a smaller blower cross section than the blower cross section (at 2) of the cold-air nozzle (at 27). However, Guenin does not show a detachable air nozzle attachment with flat hot and cold air streams at side by side. Maurer shows a detachable air nozzle attachment 23-30 with two flat fluid streams 20, 25 side by side (approximately equal blower cross section). The attachment converts two concentric fluid streams into side by side flat fluid streams same as the applicant's. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the hair dryer of Guenin at its blower opening (at 23) with a detachable flat air nozzle attachment 23-30 of Maurer in order to modify the flow patterns. With regard to claimed shapes, length, cross section, color and material, it would have been an obvious matter of design choice to design the nozzle of Guenin with any desired shape, cross section, length, color and material in order to obtain the optimum result since applicant has not disclosed that the claimed nozzle shape, cross section, length, color and material solve any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill in the art and it appears that the claimed feature does not distinguish the invention over similar features in the prior art. In particular, the use of universal identifying colors for safety is well known in the art. For example, in heating art, the color blue stands for low temperature. The color red represents high temperature. Today's almost all hair dryers are made of heat-resistant plastic. With regard to the nozzle attachment, again, most hair dryers at home do have snap on connectors for easy assembly. With



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regard to claims 22 and 23, since the claim merely call for an alternative nozzle attachment, e.g. flat nozzles or block cold air nozzle, then, the examiner does not have to show any attachment with "block cold air" nozzle.

8. Claims 13-23 are rejected under 35 U.S.C. 103 as unpatentable over Zenz (German Pat. 9001199) in view of Maurer (U.S. Pat. 3,374,789).

Zenz shows a device (Fig. 1) for a hair dryer 10 and having a fan 14 and a heater 36 for generating a central hot-air stream 34 and having a concentric cold-air stream 42 at a blower opening 12. An air nozzle 38 is embodied as connectable to the blower opening 12. The air nozzle 38 has a central hot-air stream 34. The hot-air nozzle (at 40) has a smaller blower cross section than the blower cross section of the cold-air nozzle (at 42). However, Zenz does not show a detachable air nozzle attachment with flat hot and cold air streams at side by side.

Maurer shows a detachable air nozzle attachment 23-30 with two flat fluid streams 20, 25 side by side (approximately equal blower cross section). The attachment converts two concentric fluid streams into side by side flat fluid streams same as the applicant's. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the hair dryer of Zenz at its blower opening (at 40) with a detachable flat air nozzle attachment 23-30 of Maurer in order to modify the flow patterns. With regard to claimed shapes, length, cross section, color and material, it would have been an obvious matter of design choice to design the nozzle of Zenz with any desired shape, cross section, length, color and material in order to obtain the optimum result since applicant has not disclosed that the claimed nozzle shape, cross section, length, color and material solve any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill in the art and it

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appears that the claimed feature does not distinguish the invention over similar features in the prior art. In particular, the use of universal identifying colors for safety is well known in the art. For example, in heating art, the color blue stands for low temperature. The color red represents high temperature. Today's almost all hair dryers are made of heat-resistant plastic. With regard to the nozzle attachment, again, most hair dryers at home do have snap on connectors for easy assembly. With regard to claims 22 and 23, since the claim merely call for an alternative nozzle attachment, e.g. flat nozzles or block cold air nozzle, then, the examiner does not have to show any attachment with "block cold air" nozzle.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

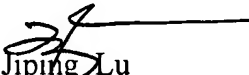
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jiping Lu  
Primary Examiner  
Art Unit 3749

J.L.